

Land Marks

THE NEWSLETTER OF THE MARYLAND ENVIRONMENTAL TRUST

Family Conserves 257 Acres Western Somerset County

By John Hutson, MET Eastern Region Planner

Jim Myers, president of Myers Roofing, may spend his work days atop such illustrious buildings as the White House and the Pentagon, but his true passions are fishing and hunting on Maryland's Lower Eastern shore. He shares his enthusiasm and energy for nature, conservation and hunting with both his son and his nephew, Richard Myers and James Daniell. Together the three men have worked over the years to create upland game and waterfowl habitats within their 257-acre Myers Island Hunt Club property in western Somerset County. Toward this end, Jim sought information and planning advice from experts in waterfowl habitat and forestry management. The habitats created on the property are excellent and, in 2004, the Myers family decided that they are deserving of future protection and preservation. Jim donated a conservation easement on the land to the Maryland Environmental Trust (MET) and Lower Shore Land Trust (LSLT).

Jim chose the donated conservation easement program because it offered him a wide range of income and estate tax benefits, as well as the maximum flexibility and creativity in drafting his easement agreement terms. In addition, the donated conservation easement dovetails well with the habitat improvement and forestry programs Jim is involved with through the Maryland Department of Natural Resources.

Myers Island Hunt Club Farm consists of an even mixture of woodlands, marshland, and tillable uplands. Jim purchased the original 106-acre tract in 1965 and then later added 19 acres of woodland purchased at a tax sale. The woodlands on and adjacent to the farm are potential habitat to Forest Interior Dwelling birds (FIDS), regular and seasonal inhabitants of the Lower Shore whose habitat is threatened by development and forest fragmentation. The property is located along Wolftrap Creek and Big Gut, both of which are significant and scenic tributaries to the Manokin River. Nearby is the 4,000-acre Fairmont Wildlife



Richard Myers, Jim Myers, and James Daniell

Management Area. The farm's uplands, approximately 84 acres, are bracketed by two public roads on the edge of Somerset's rural Upper Fairmont. While the uplands were originally slated for town development in the local comprehensive plan (a plan that would potentially have doubled the size of Upper Fairmont), they have instead been given over by the Myers

family to the building of two wildfowl impoundments, the continued management of crops for wildlife habitat, and the planting of extensive forested buffers. Although not supported by the County, extinguishing that many development rights in favor of habitat and water quality was a private and voluntary decision that was fully supported by the land trusts.

Some of the farm's timber is over 50 years old and ready to harvest, Jim Myers said in a recent interview. Jim and John Jordan, DNR's County Forestry Project Manager, planned and established a 1.5-acre Conservation Reserve Enhancement Program forested buffer and are finalizing a comprehensive forestry plan. The terms of the donated conservation agreement ensure that the farm's timber resources can be managed for timber production, water quality protection – such as shoreline buffer areas – and wildlife habitat. "Jim gets very excited when it comes to trees," said Jordan by e-mail, "He likes the hands-on approach. He makes sure he's there with the tree planting projects making sure all get planted green side up. His seedlings get tender loving care in the form of tree shelters and weed control, which he takes care of personally. He is simply running out of room to plant more trees!" Jim already had plans for some of that timber income, all to the benefit of generations to come, "I'll leave an endowment to take care of the perpetual care of the farm through the sale of timber."

Don Webster, a Waterfowl Habitat Manager with the Department of Natural Resources, is especially pleased with the Myers conservation effort. It was Don who really got

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Director's Note

By Nick Williams, MET Acting Director

Since the passing of Hurricane Isabel, Maryland has been spared the kinds of upheavals that have struck other parts of the world: tsunamis, mudslides, forest fires and tropical storms. But in another sense one could say that landowners and conservationists in the State – including MET – have been buffeted by other kinds of upheavals: economic slumps, budget deficits, cuts in land conservation budgets, Congressional scrutiny of charities, and overheated housing markets, to name a few. The Chinese proverb is well known: “May you live in interesting times.”

Yet even in uncertain times citizen support for land conservation has not waned. Polls and ballot measures across the US continue to evidence broad support for land conservation and conservation funding. In Maryland, a January 2005 voter survey by Fairbank, Maslin, Maulin & Associates showed that 3 out of 5 voters would be more likely to vote for a legislative candidate if that candidate supported a law to protect funding for the State’s land conservation programs. And here at MET we witness many landowners’ continuing interest in permanently protecting their farm and forest lands by donating conservation easements to our organization.

While it is reassuring to see this, Maryland citizens and landowners are also experiencing the countervailing pressures: local up-zonings permitting higher density in rural areas, extension of infrastructure into park lands and open space, TDR programs that transfer density *into* rural and agricultural areas, and developer inroads into agricultural reserves. As an indication of underlying forces, US census data for the past five years reveal a continued net outflow of population from large cities such as Washington DC and Baltimore, even though DC appeared to be gaining in the late 1990’s due to urban revitalization. Perhaps some of those people move to Wyoming or Zimbabwe, but the demographers indicate that many go to “outer suburbs” – a term encompassing more and

more counties and even parts of neighboring states. And the real estate “bubble” continues to swell.

It is not hard to see that these and other pressures will increasingly bear down on established conservation easements. From governments, we can expect the enlargement of rural roads, the extension of sewer lines, and the building of new highways, potentially encroaching on protected lands. Businesses may prevail upon owners of easement land to bury communications cables, erect cell towers and build power-generating windmills. Retirees and other homebuyers will increasingly buy easement-restricted properties, but the buyers’ plans to construct a dream house on that special spot they picked out may come into conflict with easement restrictions. And as such purchases increase, MET and other land trusts will find themselves dealing with successor landowners – who may not share the motivations of the original donors.

Land use planners sometimes use the term “end game” when contemplating the limited time period remaining for the conservation or development of remaining natural and agricultural resource lands. That period of years might also be seen as a transition time; not only will the fate of today’s open lands be decided, but we can also reasonably expect increasing attempts to weaken or remove restrictions from protected lands.

This is where Maryland’s long tradition of strong public support for conservation is key. Landowners, easement donors, and land trusts alike have a solid track record of making easement protections “stick.” With the help and continuing commitment of all, increased land trust attention to easement stewardship, and ongoing dialogue with the owners of Maryland’s protected lands, the constituency for permanent land protection will only increase. MET is immensely grateful to all those who have contributed thus far, and we look forward to building and strengthening our relations with an ever-expanding circle of Maryland citizens.

MET is looking for a new home!

We need your help! We have outgrown our current office space and are looking for a donation of office space or a donation of a house that we can convert into a permanent office. A gift of this type will save MET substantial operating expenses, allowing us to put those funds toward land conservation efforts. Gifts to MET are deductible from your federal income taxes.

Contact Doug Donahue, MET Administrative Officer
at 410-514-7902.

Conservation Highlights

Nov 1, 2004 – June 30, 2005

1,583 acres protected forever!

Central Region - Thirteen donated easements in Central Region totaling 340 acres:

- Andrew and Jeanne Unger donated 14 acres in northwest Baltimore County.
- Steven and Helen Rockwell donated 2.6 acres close to Caves Valley in Baltimore County.
- George and Bessie Palmer donated 121.2 acres in northwest Baltimore County.
- Cecile G. Timolat Living Trust donated 39 acres in the My Lady's Manor Historic District in Baltimore County.
- The Estate of Paul Spadone, Jr. donated 5 acres in the Green Spring Valley Historic District in Baltimore County.
- Samuel and Margot Shriver donated 26.1 acres on McGill Run in the Worthington Valley Historic District in Baltimore County.
- Loretta Eaton donated 5.6 acres close to Green Spring Valley in Baltimore County.
- Howard Wolfe donated 14.1 acres in the Caves Valley Historic District in Baltimore County.
- Maryland State Game and Fish Protective Assn., Inc. donated, 26.1 acres next to Honeygo Run Regional Park located in the Perry Hall - White Marsh area in Baltimore County.
- George and Helen Riley donated 8.7 acres with a circa 1795 house near New Windsor in Carroll County.
- Nicholas and Virginia Merryman donated .5 acres adding to their previous 30-acre easement donation in Cecil County.
- Harford Land Trust donated 74.3 acres on Big Branch, a tributary of Deer Creek Scenic River in Harford County.
- Sheldon and Janet Greisman donated 3.4 acres next to Patapsco State Park in Howard County.

Southern Region - Two donated easements in Southern Region totaling 181 acres:

- Somerset Trading Development, LLC donated 178 acres in rural Charles County.
- Helen O'Leary donated 3 acres in the Broad Creek Historic District in Prince George's County.

Eastern Region - Eight donated easements in Eastern Region totaling 718 acres:

- Paul and Katherine Levengood donated 34.2 acres in Kent County.
- Michael and Beth Falcone donated 157 acres in Kent County.
- Alan and Nancy Schnoebelen donated 25 acres in Queen Anne's County.
- James Meyers, Richard Meyers, James Daniell donated 256.8 acres in Somerset County.
- Richard and Kate Carraher donated 33.8 acres in Talbot County.
- Martha Healy and Doris Blazek, Trustees donated 142.6 acres in Talbot County.
- Elizabeth Callahan donated 37 acres in Talbot County.
- John and Nina Callahan donated 31.3 acres in Talbot County.

Western Region - Six donated easements in Western Region totaling 344 acres:

- William Newlin donated 21.5 acres in Frederick County.
- Kent Ozkum and Wm. J. Morrow donated 28.2 acres of completely renovated historic property in Frederick County.
- Marthe Wilson donated 26.6 acres with a historic mansion in Frederick County.
- Lee and Michael Devine donated 10 acres of historic Civil War property in Frederick County.
- Elizabeth and Daniel Carney donated 30.1 acres in Frederick County.
- Sharon and John Markwood donated 227 acres in Garrett County.

MET Welcomes Adam Block

Governor's Policy Fellow

MET would like to welcome Adam Block, who started in March 2005. Adam joins MET through the Governor's Policy Fellows Program, a two-year post-graduate program that seeks to bring the nation's most distinguished policy graduates to serve in the Maryland State Government. The program provides participants with broad exposure to the development, implementation, and evaluation of public policy at the state level. Adam's first rotation was with the Department of Natural Resource's Rural Legacy Program.



Adam Block

Before coming to state government Adam completed a Masters degree in environmental policy and natural resource management at the University of Michigan, School of Natural Resources & Environment. While at Michigan Adam completed thesis research, in cooperation with The

Nature Conservancy, that examined the legal language and status of current monitoring on a national sample of working forest conservation easements. The report can be found online at www.snre.umich.edu/ecomgt/research/featured.htm and featured in the Spring/Summer 2005 edition of the quarterly journal Exchange, published by the Land Trust Alliance. Before attending graduate school, Adam was a town planner in southeast New Hampshire, focusing on open space planning, zoning amendments, and master plan revisions. He completed his undergraduate work in environmental conservation at the University of New Hampshire.

While at MET, Adam will be working on several projects. He will be helping the Eastern Regional Planner, John Hutson, to solicit and negotiate conservation easements on the Eastern Shore. He will also be helping Monitoring and Stewardship Coordinator Jon Chapman in meeting MET's obligations to monitor and steward its conservation easements. In addition, Adam will be conducting extensive research on the Forest Stewardship Plans required by some MET easements. In particular, he will be examining what these plans say, how they can be developed more timely and effectively, and what the appropriate role may be for local land trusts in forest stewardship activities.

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the conservation easement idea planted in Jim's long-term plans. As Don recalls, "My first meeting with Jim Myers was to discuss creating a small wetland project for waterfowl on his property in Somerset County in 1999. After plans were developed, Mr. Myers without hesitation started construction on the 5-acre wetland. To make a long story short, his interest in being a good steward of the land and infectious enthusiasm led me to discuss different types of conservation easements (purchased and donated) and which one would be better suited for his situation. Thus, the call to Nancy Whitlock of the LSLT and the rest is history."

Conservation Easement Program promotion is truly a team effort and requires good communication between program partners. Don Webster has brought prospective easement donors to the land trusts on numerous occasions and seemingly has a great sense of timing, "In my profession, I have been very fortunate to work with landowners like Jim, who hold the best interest of the environment and Bay close to their hearts. I know of at least five other landowners that have applied conservation easements to their properties, simply by my leading them in the right direction."

Nancy Whitlock, Executive Director of the Lower Shore Land Trust, works with Don and prospective easement donors to continue the conservation efforts. She has played an important role as part of the Myers conservation team, "Don Webster called me and we set up a meeting with Jim Myers. MET's John Hutson couldn't join us that day. Jim drove us around the property in his all-terrain customized electric golf cart – it has a raised chassis and wide floatation tires. That day, Don talked about the new wildlife pond [to be constructed in the high density zoned growth area]

and I talked about some of the details regarding donating a conservation easement with the MET and the LSLT." The easement, completed in December 2004, consolidated 19 separate parcels of land (under three ownerships) into one common ownership parcel not to be subdivided. Subdivision fragments agricultural and forestry lands, converting the former in worst-case scenarios to residential lawns and the latter to residential buffers. Jim's heirs will have to work together – more teamwork – to manage the natural resources of the property under the common ownership concept. Jim recently put it this way, "I am leaving the property to Jimmy and Richard and they will leave it to their heirs and that way it stays in the family trust." Then, as if to warn future generations not to play with his conservation accomplishment, Myers added, "If you ever try to sell it and break the trust, I will come back to haunt you, as I intend to be buried down there in that Maddox family cemetery!"

Somerset County landowners have generously donated conservation easements on over 3,200 acres - MET and LSLT have jointly protected 1,601 acres in Somerset County and an additional 1,627 acres are under easement with MET alone. For many of these landowners, completing an easement donation gave them a sense of accomplishment and gave them peace of mind regarding the future of their property. For Jim Myers, truly a family-oriented man, the conservation easement donation is an investment that will enrich future generations and involve them in a conservation effort they can call their own. In Jim's own words, "Our family feels real good that the easement is finally in place and especially the younger part of the family who, as years go by, well, their interest will grow and the farm will always be there for them."

Charlotte Staelin Receives 2005 Dillon Award



Joellen Upham, Blue Heron Arts

By Diane Chasse, MET Acting Local Land Trust Assistance Coordinator

Every year MET presents the Dillon award to an easement donor who is recognized as an outstanding conservationist, whose protected land has been used for purposes that promote soil and water conservation, environmental education, or other social benefits, and who is active in the promotion of land protection.

Charlotte D. Staelin is the recipient of this year's Dillon Award. Charlotte preserved her family's 279-acre farm in Cecil County and in 2004 granted a 50-acre easement on her Colchester Farm in Kent County (Galena). She is on the Eastern Shore Land Conservancy's Board of Directors and its Land Committee. Through her work with the ESLC and

the MET, Charlotte has promoted land preservation on a regional scale, including having hosted numerous landowner outreach socials on Colchester Farm and having served as a Maryland Land Trust Alliance panelist.

In addition, she has worked on the Colchester Farm Community Supported Agriculture project for two years. She also teaches history at Wesley College in Delaware, is Executive Director of Delaware Humanities Forum, Lecturer, member of the Board of Zoning Appeals of Kent County, member of Center for Environment and Society Rural Communities Leadership and on the Board of Directors at Cecil Community College Foundation, Inc.

"The conservationist's most important task, if we are to save the earth, is to educate."

— Peter Scott, founder chairman of the World Wildlife Federation

\$25,000 in Grants go to Local Land Trusts

By Diane Chasse, MET Acting Local Land Trust Assistance Coordinator

Eight Maryland land trusts recently received grants from the Maryland Environmental Trust's Janice Hollmann Program, named for a woman who exemplified citizen leadership of local land trusts in Maryland. The average grant distribution was approximately \$3,100.

The two land trusts that earned an above-average award are NeighborSpace of Baltimore County and the Patuxent Conservation Corps. This is due to the fact that these organizations are new to the land trust community. NeighborSpace, which is modeled after a land trust in Chicago, acquires land (in fee or easement) in Community Conservation Areas of Baltimore County in order to create small parks, gardens, and natural areas. The NeighborSpace grant will help fund the distribution of outreach materials and other early projects. The Patuxent Conservation Corps has worked for years in land management and has recently become involved in land preservation, beginning with the acquisition of 45 acres in Garrett County. The grant to the Patuxent Conservation Corps will fund the appraisal and survey costs of this acquisition.

The American Chestnut Land Trust, a well-established land trust in Calvert County with over 3,000 acres protected to its credit, will use its grant to support its Director and Land Manager. The Bay Ridge Trust, which has protected over 100 acres on the Annapolis Neck in Anne Arundel County, will use its grant for a newsletter and brochure. The Catoctin Land Trust, located in Frederick County, has worked to preserve over 800 acres and will also use its grant for literature.

The Land Preservation Trust has preserved nearly 4,000 acres in Baltimore County and will use its grant to support two outreach meetings in the Piney Run watershed. The Scenic Rivers Land Trust will use its grant to support outreach in southern Anne Arundel County, a new area for the group, which formerly worked primarily in the Severn River watershed. The final grant will be used by the Southern Calvert Land Trust to support a mailing to its community and signs for the 32 lots that it owns in fee-simple.

Keep Maryland Beautiful

By Doug Donahue, MET Administrative Officer

In an effort to recognize nonprofit groups or communities that advance environmental issues and/or address environmental problems, the Maryland Environmental Trust annually distributes the Margaret Rosch Jones Award and the Bill James Environmental Grants.

The grants are part of the Trust's Keep Maryland Beautiful activities, which are funded by the State Highway Administration, a division of the Maryland Department of Transportation.

The Margaret Rosch Jones Award is awarded to voluntary nonprofit groups or communities that make continuing plans for a project that has already demonstrated a basic understanding and resolution of an environmental issue.

The Jones award is given in memory of Margaret Jones, the executive director and moving spirit of the Keep Maryland Beautiful Program for many years. The Trust hopes to remind citizens of her devotion, energy and ingenuity by presenting an award in her name to a group whose voluntary activities personified those attributes that Margaret Jones brought to her work.

The Bill James Environmental Grants of up to \$1,000 are awarded to school groups, science and ecology clubs, and other nonprofit youth groups for proposed environmental education projects. The Bill James Environmental Grants are given in memory of William S. James, who drafted legislation to create the Trust, incorporating the activities of the Governor's Committee to Keep Maryland Beautiful.

2005 AWARD & GRANT RECIPIENTS

Margaret Rosch Jones Award

- Salisbury-Westside Revitalization Partnership, Wicomico County
- Western Garrett County State Park Volunteers, Garrett County
- The Surfrider Foundation, Ocean City Chapter, Worcester County

Bill James Grants

- Medfield Heights Elementary School, Baltimore City
- Pemberton Historical Park, Wicomico County

Update on the June 8th Senate Finance Committee Hearing

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On June 8, 2005, the Senate Finance Committee held a hearing on "The Tax Code and Land

Conservation: Report on Investigations and Proposals for Reform." Rand Wentworth, President of the Land Trust Alliance, presented testimony on the good work of land trusts across the country, calling for reasonable reforms that target abusers without preventing good conservation.

This hearing was a major turning point in the consideration of the proposals made by the Joint Committee on Taxation, at least in the Senate. The hearing was attended by eleven Senators, nearly all of whom made strong statements on the value of conservation in their state.

Land trusts' hard work to contact their Senators and Representatives has clearly made a difference.

But we still face major challenges. The Finance committee staff clearly intends to change the law in a number



of areas. Their report contains a number of recommendations of interest to land trusts.

- The Congress should consider limiting charitable contribution deductions for certain small easement donations and consider providing the IRS with authority to require pre-approval of tax deductions for such donations.
- The IRS should consider suspending or revoking the tax exempt status of organizations that regularly and continuously fail to monitor and enforce conservation easements.
- The IRS should issue guidance regarding what factors may be necessary to establish minimum levels of compliance regarding monitoring of easements.... These factors may include... a stewardship fund dedicated to each easement.

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385 Acre Farm Protected in Dorchester County

By Diane Chasse, MET Acting Local Land Trust Assistance Coordinator

The Maryland Environmental Trust is pleased to have assisted the Chesapeake Wildlife Heritage in its purchase of the 385-acre farm in Dorchester County from the Willey family. The farm is the third that the Chesapeake Wildlife Heritage has purchased and the second time that MET has assisted with the purchase through its Land Trust Grant Fund – a no-interest loan program. The CWH is a nonprofit organization specializing in wetlands restoration and is based out of Easton, Maryland. For this property, as with previous purchases, CWH will select the areas of the farm that are least suitable for agricultural cultivation and in their place create wildlife habitats, such as wetlands, grasslands and woodlands. Restoration projects of this nature often utilize the U.S. Department of Agriculture's Conservation Reserve Enhancement Program. As a condition of the \$400,000 loan, MET receives a conservation easement that protects the restored areas and restricts development on the property.

Richard Pritzlaff, the Chesapeake Wildlife Heritage representative who was responsible for the land purchase, said of the project, "Working to restore and protect Maryland's natural resources is a very important to me. I believe that if we do not preserve our nation's wildlife habitats, several wildlife species will be irrevocably lost and our ability to live sustainably on the planet will be diminished. It is satisfying



to know that the wildlife habitat of the Willey farm will be secured by the conservation easement."

The property is located in Cambridge, along scenic Griffith Neck Road, adjacent to over 50,000 acres of protected land that makes up the Fishing Bay Wildlife Management Area and the Blackwater Wildlife Refuge. It has 130 acres of forest (habitat for Forest Interior Dwelling Birds) and 65 acres of tidal wetlands (habitat for herons, egrets, rails and waterfowl). The protection of this property will serve to protect the water quality of Chesapeake Bay.

The Maryland Department of Natural Resources recently honored the Chesapeake Wildlife Heritage with the Conservationist of the Year Award. The CWH earned this distinction through its accomplishments in 2004, which included the restoration of 110 acres of wetlands, the creation of over 200 acres of warm season grass meadows, and the introduction of 30 acres of woodlands. The Heritage also managed 6,000 acres of Canada Goose Sanctuaries and educated 750 landowners and farmers about their role in restoring and protecting wildlife habitat.

"The folks of Chesapeake Wildlife Heritage are restoring Maryland, one property at a time," said MET Director Nick Williams. "Their devotion and steadfast determination for restoring and protecting Maryland's landscape is inspiring."

"We can never have enough of nature."

— Henry David Thoreau, Walden, 1854

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- The Congress should consider implementing an accreditation program for land trusts.
- The Congress should consider whether current UBIT (Unrelated Business Income Tax rules) adequately address the regular and continuous solicitation, acquisition and sale of non-charitable use property.

The details of these proposals are still unclear, and the land trust community is working hard to make sure that Congressional reforms allow good conservation work to continue.

Senators in Attendance at the June 8th Senate Finance Committee Hearing

Senator Grassley (R-IA), Chairman
Senator Lott (R-MS)
Senator Snowe (R-ME)
Senator Thomas (R-WY)
Senator Santorum (R-PA)
Senator Bunning (R-KY)
Senator Crapo (R-ID)
Senator Baucus (D-MT), Ranking Member
Senator Rockefeller (D-WV)
Senator Lincoln (D-AR)
Senator Schumer (D-NY)



Maryland Environmental Trust

**Total land protected to date: 109,058 acres on 828 properties.
Thank you conservation easement donors!**

Maryland Environmental Trust
100 Community Place, First Floor
Crownsville, Maryland 21032-2023

Phone - 410-514-7900
Toll free - 877-514-7900
Fax - 410-514-7919

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